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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,653	01/30/2001	Peter J. Perley	CTM003/JTN	8167

26912 7590 03/28/2005

GOWLING LAFLEUR HENDERSON LLP
COMMERCE COURT WEST, SUITE 4900
TORONTO, ON M5L 1J3
CANADA

EXAMINER

GARG, YOGESH C

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/771,653

Applicant(s)

PERLEY ET AL.

Examiner

Yogesh C Garg

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See the attached appendix A.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-30.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


Yogesh C Garg
Primary Examiner
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***APPENDIX A-CONTINUATION OF THE ADVISORY ACTION TO APPLICATION
NUMBER 09/771,653,MAILED ON 3/15/2005***

Applicant's response received on 1/10/2005 is acknowledged. The applicant's arguments filed on 1/10/2005 have been fully considered but they are not persuasive for following reasons:

The applicant argues that one of an ordinary skill in the art after reading the applicant's invention would not have considered of combining the Basemen and Lewis references to arrive at the claimed invention of the applicant. The examiner respectfully disagrees because all; Basemen, Lewis and applicant's disclosure are directed to systems and methods in the field of business management and management decision making process. In Basemen, see at least col. 1, lines 5-16, the invention relates to using Financial Management considerations in making management decisions closely monitoring various performance measures of a company. One of the performance measures is monitoring cash-flow by using computer-implemented methods and software, see at least col.2, line 33- col.3,line 17, which is a similar objective as recited in the applicant's disclosure. Similarly, in Lewis, see at least col.1, lines 5-14, the invention is directed to data processing systems for financial management which includes computer- implemented methods and systems using software programs for monitoring cash-flow positions in making financial decisions, see at least col.2, line 48- col.3, line 18. Therefore, the examiner is of the opinion that teachings of Basemen and

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Lewis are relevant and combinable to render the teachings of the claimed invention obvious.

The applicant argues that Basemen and Lewis, neither individually nor combined, teaches the limitations cited in claim 1. The examiner respectfully disagrees, please see below.

The Basemen reference does disclose the claimed steps of:

providing a software system for monitoring a cash position of the business, said software system including one or more predetermined limits defined by the financial capacity of the business (see at least col.2, line 33-col.3, line 10, which teaching providing software system to monitor the cash management. The steps of providing information on sources and uses of funds to ensure liquidity to meet payment obligations requires monitoring the cash position of a business the steps of ensuring liquidity to meet payment obligations will inherently determine the capacity of business to make payments for its obligations. Also, see col.5, lines 49-53, col.6, lines 16-20, col.9, lines 2-55, col.10, lines 39-43, col.17, line 33-col.18, line 44, col.21, line 55-col.23, line 4);

permitting said software system to periodically connect to the electronic records to receive updated transaction information to calculate a current cash position (see at least col.2, line 33-col.3, line 10, which teaching providing software system to monitor the cash management. The steps of providing information on sources and uses of funds to ensure liquidity to meet payment obligations requires connecting to

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the records of cash-receivable and payment obligations to calculate the updated position of cash-position because then only the system would ensure liquidity to meet payment obligations. Also, see col.5, lines 49-53, col.6, lines 16-20, col.9, lines 2-55, col.10, lines 39-43, col.17, line 33-col.18, line 44, col.21, line 55-col.23, line 4);

calculating a cash position of the business in respect of a proposed transaction by the business; calculating a permitted cash position based on said updated transaction information and said one or more limits defined by said financial capacity; comparing the calculated cash position of the business after said proposed transaction to said permitted cash position (see at least col.2, line 33-col.3, line 10, which teaching providing software system to monitor the cash management. The steps of providing information on sources and uses of funds to ensure liquidity to meet payment obligations will require calculating a cash position/permitted cash position of the business in respect of a proposed transaction by the business based on updated transaction information and said one or more limits defined by said financial capacity and comparing the calculated cash position of the business after said proposed transaction to said permitted cash position to ensure liquidity to meet payment obligations. Also, see col.5, lines 49-53, col.6, lines 16-20, col.9, lines 2-55, col.10, lines 39-43, col.17, line 33-col.18, line 44, col.21, line 55-col.23, line 4.

Baseman also teaches taking steps to prevent the proposed transaction causing the business to fall outside of any said limits defined by the financial capacity, see at least col.9, lines 2-55, col.10, lines 39-43, and col.21, line 55-col.23, line 4 wherein the system defers the reordering after determining and calculating that the cash position is

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constrained and stops the enterprise from falling outside of any limits defined by the financial capacity.

Further, as acknowledged in the earlier office actions, Baseman does not explicitly teach providing an indication of the fact that the proposed transaction will cause the business to fall outside of any of said limits defined by the said financial capacity. In order to overcome this deficiency in Baseman, teachings of Lewis (see col.5, lines 56-61 and col.6, lines 43-47, that is to alert users/system that a transaction has caused a negative cash-balance and that it has not recovered in a pre-defined allowance time) were combined. One of an ordinary skill in the art can find strong motivation to combine Lewis and Basemen because Baseman explicitly teaches to defer a proposed transaction in order to avoid a negative cash-balance position, see at least col.9, lines 2-55, col.10, lines 39-43, and col.21, line 55-col.23, line 4, and therefore it will be required that when such a position is to arrive it should be informed to the management of the business to take corrective or right action and to avoid from going into-a negative or adverse cash-balance position.

The foregoing covers answers to all the arguments raised by the applicant in his amendment after Final action received on 1/10/2005 and since those arguments are not found persuasive the rejection of all claims as submitted is the earlier Office action (s) is maintainable.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yogesh C Garg
Primary Examiner
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YCG
March 17, 2004